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Attorneys for Defendants
THE SWISS CONFEDERATION, THE FEDERAL ATTORNEY GENERAL
OF SWITZERLAND, GERALD SAUTEBIN AND BRENT HOLTKAMP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OLIVER HILSEN RATH, ET AL.,

Plaintiffs,

v.

THE SWISS CONFEDERATION, THE
FEDERAL ATTORNEY GENERAL OF
SWITZERLAND, GERALD SAUTEBIN,
BRENT HOLTKAMP,

Defendants.

Case No. C-07-2782-WHA

E-Filing

DECLARATION OF GERARD
SAUTEBIN IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS COMPLAINT (FEDERAL
RULE OF CIVIL PROCEDURE
12(b)(1), (2), AND (6))

Date: September 13, 2007

Time: 8:00 a.m.

Courtroom: 9, 19th Floor

Judge: The Hon. William H. Alsup

1 I, GERARD SAUTEBIN, declare as follows:

2 1. I am a Federal Examining Magistrate for the Federal Examining
3 Magistrate's Office of the Swiss Confederation, based in Geneva. I have personal
4 knowledge of the facts set forth herein and, if called as a witness, would and could
5 competently testify to the truth thereof.

6 2. I am a citizen of Switzerland and reside in Switzerland.

7 3. I was appointed as a Federal Examining Magistrate on August 30th 2005. As
8 a Federal Examining Magistrate, I work according to the Swiss federal law on criminal
9 proceedings. My role is to investigate criminal acts committed in Switzerland on behalf of
10 the Authorities of the Swiss Confederation and upon request of the Swiss Federal
11 Prosecutor's Office.

12 4. In connection with the Swiss investigation of Oliver Hilsenrath, all of my
13 contacts with the United States were with officials of the United States Attorney's Office
14 and the United States Department of Justice.

15 5. I have no investments in California or any other State of the United States,
16 and I am not engaged in any private business in the United States. I have never visited
17 California, either on business or vacation.

18 I declare under penalty of perjury under the laws of the United States that the
19 foregoing is true and correct.

20 Executed this 3rd day of August, 2007, at Geneva, Switzerland.

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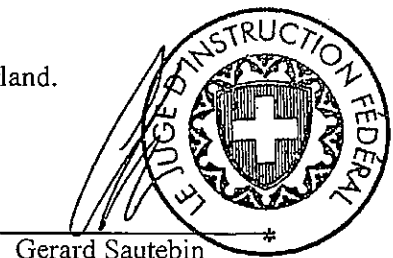
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Gerard Sautebin *